

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Tsuyoshi Oda

Application to
Reissue Patent No. : 5,703,646

Issued : December 30, 1997

For : **PICTURE ENCODING METHOD, PICTURE
ENCODING APPARATUS AND PICTURE
RECORDING MEDIUM**

DECLARATION OF TSUYOSHI ODA

As a below-named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I verily believe myself to be the original, first inventor of the invention described and claimed in Letters Patent No. 5,703,646 and in the specification filed herewith for which I solicit a patent.
3. I hereby state that I have reviewed and understand the contents of the aforementioned specification, including the claims.
4. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.
5. I hereby claim foreign priority benefits under Title 35, United States Code § 119 of Application Number 5-105943, filed April 9, 1993 and PCT/JP94/00610 filed April 11, 1994 and state that no other application for patent or inventor's certificate or any PCT international application was filed by me on the same subject matter prior to April 9, 1993.

6. I do not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof.

7. I verily believe the original Letters Patent to be wholly or partly inoperative or invalid by reason of my claiming more or less than I had right to claim in the patent.

(A) In particular, all of the claims of the original patent recite features that unduly narrow the scope of the claims and are not necessary to adequately protect my invention. These features include:

(i) The feature of selectively encoding at least a portion of the input video signal by intra-frame, forward predictive encoding and backward predictive encoding.

(ii) The feature of transform encoding the encoded data to generate coefficient data.

(iii) The feature of variable length encoding the quantized data.

(iv) The feature of determining an encoding rate of the variable length encoded data.

(v) The feature of setting the variable quantization step size according to the encoding rate.

All of the claims of the original patent include one or more of the foregoing features; and as a result, the claims of the original patent are too narrow.

(B) The claims of the original patent fail to claim the encoding method or apparatus in sufficiently broad terms.

(i) The claims of the original patent do not simply recite that the source video data is encoded with a predetermined quantization step size and with an optimum quantization step size on an encoding unit basis.

(ii) The claims of the original patent do not simply recite that the difficulty of the encoding process is used to determine the optimum quantization step size and is based on the bit amount of the source video data that is encoded with the predetermined quantization step size.

(iii) The claims of the original patent do not simply recite that the optimum quantization step size becomes smaller when the source video data is more complex and becomes larger when the source video data is more simple.

(iv) The claims of the original patent do not simply recite that predetermined and optimum quantization step sizes are always different from each other.

(C) The features mentioned in (B)(i) through (B)(iv) above are disclosed in the original patent but are not adequately claimed. As a result of this failure to claim the features of (B)(i) through (B)(iv) in sufficiently broad terms, the original patent fails to adequately claim my invention and claims less than I had the right to claim.

(D) Changes to the claims of the original patent, as represented by the claims filed in the above-identified reissue application, include the addition of claims directed to the features of (B)(i) through (B)(iv), without the unnecessary limitations mentioned in paragraph (A) above.

8. I did not discover that the claims of the original patent claimed more or less than I had a right to claim until after the original patent was issued.

9. No claim was previously presented during prosecution of the above referenced issued patent that particularly claimed the method and apparatus described in paragraph 7 above.

10. The errors noted above, as well as any other errors to be corrected herein arose without any deceptive intention on my part.

11. New claims 16 and 18-24 submitted with this application and amended heretofore particularly point out the subject matter which I considered my invention and round out the scope of protection to which I am entitled. By the omission of such claims the original patent claims less than I had a right to claim.

I hereby appoint William S. Frommer, Registration No. 25,506, of Frommer Lawrence & Haug LLP or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following address:

William S. Frommer, Esq.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

Direct all telephone calls to: (212) 588-0800 to the attention of William S. Frommer, Esq.

Wherefore I pray that I may be allowed to surrender the Letters Patent No. 5,703,646 granted December 30, 1997, whereof Sony Corporation, on whose behalf and with

whose assent this application is made, is the sole owner, by Assignment, and that Letters Patent
my be reissued to Sony Corporation for the same invention upon the attached specification.

I, the undersigned applicant, further declare that all statements made herein of
my own knowledge are true and that all statements made on information and belief are believed
to be true; and further that these statements are made with the knowledge that willful false
statements and the like so made are punishable by fine or imprisonment, or both, under Section
1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize
the validity of the application or any patent issuing thereon.


Tsuyoshi ODA

September 26, 2007
Date

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